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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,527	02/23/2000	Daniel Hoppa	559	4195

7590

02/03/2004

Law Offices of John D Gugliotta PE Esq
202 Delaware Building
137 South Main Street
Akron, OH 44308

EXAMINER

GESESSE, TILAHUN

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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9

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Commissioner for Patents

Office Action Summary

Application No.

09/511,527

Applicant(s)

DANIEL HOPPA, BERLIN WI

Examiner

Tilahun B Gesesse

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 1016.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to applicant's petition to withdrawal of abandonment, amendment and reponse filed October 16, 2003, in which claims 1-7 are pending.
2. The petition is granted.
3. The amendment of specification and drawing in response to the objection by office action, are acknowledged and entered

(1) Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,4,6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ladner et al "Ladner" (5,594,425).

Regarding claim As to claims 1 and 4, Ladner discloses a personal safety signaling apparatus (figure 1 and #12) comprising: a first communication means (communication between portable and base station 16 of figure 1), the first communication means for transmitting an emergency radio signal (column 2, lines 63-67 and figure 1). Ladner discloses an activation means (items 58 and 62 for figure 4) for initiation said first wireless communication means (column 7, lines 35-42). Ladner discloses a first wireless link (figure 1) for receiving said emergency radio signal, (column 3, lines 1-11) the first wireless link capable of communicating the presence of

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emergency radio signal to a central monitoring station via a second wireless link (link between base station tower 16 and data processor station 18) (column 3, lines 4-11). Ladner discloses the central monitoring station (18) capable of determining the location of the first wireless link (12) via triangulation of the emergency radio signal, (column 1, lines 34-50 and column 3, lines 28-45) and the central monitoring station (18) further capable of alerting an emergency response vehicle via another conventional alert method (responder 20) (column 3, lines 45-65 and figure 1).

Regarding claim 6, Ladner discloses enclosure includes an activation means (60) located on a front panel thereof to facilitate operation of the personal safety signaling apparatus, and prevented from accidental triggering via an activation means cover guard (62) (figure 4 and column 7, lines 29-43).

Regarding claim 7, Ladner discloses portable locator 12 is considered as pager (figure 1).

(2) Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladner in view of Sheffer (5,515,419).

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Regarding claims 2 and 5, Ladner does not expressly disclose microphone. However, Sheffer discloses a microphone(119 of fig.11). Since, Ladner, in the same field of endeavor, discloses transmitting alerting signal "emergency" to responder through the cellular network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Ladner and Sheffer in sending voice instead of alert signal, as taught by Sheffer, since, voice communication is descriptive than emergency signal in order to locate and rescue faster or quickly.

As to claim 3, Ladner discloses said first wireless link comprises a cellular telephone signal-receiving tower (16)(figure 1).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bickley et al (us 5,969,673) disclose a technique of triangulation to determine the position of emergency emitting radio terminal (fig.1). Raith et al (us 6,073,005) disclose an emergency apparatus (200 of fig.2) includes panic button (260)(col.4 lines 14-21) and further more, Raith disclose location finding technique triangulate to position of the mobile unit 530, col.6 lines 10-21).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

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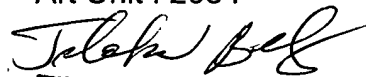
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

TBG

January 26, 2004

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TILAHUN GESESSE
PATENT EXAMINER